

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SIPCO LLC; and ADVANCED SENSOR
TECHNOLOGY, INC.,

Plaintiffs,

vs.

THE TORO COMPANY,
JLH LABS, LLC, and JASON HILL,

Defendants.

Civil Action No. 08-CV-00505-TJS

ORDER

Based upon the pleadings and affidavits submitted by the parties and the arguments of counsel,

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment on Noninfringement is GRANTED:

1. There is no dispute as to any material fact and Defendants are entitled to judgment as a matter of law. Defendants do not infringe U.S. Patent No. 7,103,511.

Dated: _____

Timothy J. Savage
United States District Judge

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Defendants.

Civil Action No. 08-CV-00505-TJS

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OF NONINFRINGEMENT**

Defendants, The Toro Company, JLH Labs, LLC and Jason Hill ("Defendants") move the Court for an Order granting summary judgment in Defendants' favor. Specifically, the motion requests a declaration that the Turf Guard Wireless Soil Monitoring System ("Turf Guard") does not infringe United States Patent No. 7,103,511 ("the '511 Patent"). The grounds for the motion, as set forth in greater detail in the accompanying Memorandum and accompanying Statement of Undisputed Facts, are that there are no material issues of fact in dispute and that Defendants are entitled to summary judgment as a matter of law.

Defendants' Motion is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure and are based on the accompanying Defendants' Memorandum of Law in support of their Motion for Summary Judgment of Noninfringement, Defendants' Statement of Undisputed Facts in support of their Motion for Summary Judgment of Noninfringement, the accompanying declarations of Dr. Jason L. Hill, Randy H. Katz, Philip A. Levis, and David A. Prange and the exhibits authenticated by and attached thereto, the arguments of counsel, and all of the files and records of the proceedings herein.

REQUEST FOR ORAL ARGUMENT

Defendants hereby request oral argument on this Motion.

Date: April 17, 2009

WOODCOCK WASHBURN LLP

By: s/ David J. Wolfsohn
David J. Wolfsohn (Pa. I.D. 57974)
Erich M. Falke (Pa. I.D. 85958)
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 564-2222
Facsimile: (215) 568-3439

OPPENHEIMER WOLFF & DONNELLY, LLP

Edward M. Laine (admitted *pro hac vice*)
David A. Prange (admitted *pro hac vice*)
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402
Telephone: (612) 607-7000
Facsimile: (612) 607-7100

**ATTORNEYS FOR DEFENDANTS
THE TORO COMPANY, JLH LABS, LLC,
AND JASON HILL**

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Defendants.

Civil Action No. 08-CV-00505-TJS

**DEFENDANTS' MEMORANDUM OF LAW
IN SUPPORT OF THEIR MOTION FOR
SUMMARY JUDGMENT OF NONINFRINGEMENT**

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,

vs.

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Defendants.

Civil Action No. 08-CV-00505-TJS

**DEFENDANTS' STATEMENT
OF UNDISPUTED FACTS IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT**

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,

vs.

THE TORO COMPANY, JLH LABS,
LLC, and JASON HILL,

Defendant.

Civil Action No. 08-CV-00505-TJS

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2009, I caused a true and correct copy of
the following documents:

1. Defendants' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment of Noninfringement (under seal);
2. Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment of Noninfringement (under seal);
3. Defendants' Statement of Undisputed Facts In Support of Motion for Summary Judgment of Invalidity (under seal);
4. Defendants' Memorandum in Support of Its Motion for Summary Judgment of Invalidity (under seal);
5. Defendants' Statement of Undisputed Facts in Support of Motion for Summary Judgment Relating to Advanced Sensor Technology, Inc.'s Trade Secret Claims (under seal);
6. Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment to Dismiss Advanced Sensor Technology, Inc.'s Trade Secret Claims (under seal);
7. Exhibits attached to Declaration of David A. Prange (exhibits H, I, J, L, O, R, T, 31, 32, 25, 26, 40, 41, 44, 47, 49, 50, 51, 60, 61, 62, 69, 70, 71, 77, and 88 under seal);
8. Exhibit A to Declaration of Jason L. Hill (under seal);
9. Exhibits A and B to Declaration of Randy H. Katz;
10. Exhibit A to Declaration of Philip A. Levis (under seal).

were submitted to the Clerk of Court via hand delivery.

I further certify that on the 17th day of April, 2009, I caused a true and correct copy of the following documents:

1. Defendants' Motion for Summary Judgment of Noninfringement;
2. Defendants' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment of Noninfringement;
3. Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment of Noninfringement;
4. (Proposed) Order;
5. Defendants' Motion for Summary Judgment of Invalidity;
6. Defendants' Statement of Undisputed Facts In Support of Motion for Summary Judgment of Invalidity;
7. Defendants' Memorandum in Support of Its Motion for Summary Judgment on Invalidity;
8. (Proposed) Order;
9. Defendants' Motion for Summary Judgment to Dismiss Advanced Sensor Technology, Inc.'s Trade Secret Claims;
10. Defendants' Statement of Undisputed Facts in Support of Motion for Summary Judgment Relating to Advanced Sensor Technology, Inc.'s Trade Secret Claims;
11. Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment to Dismiss Advanced Sensor Technology, Inc.'s Trade Secret Claims;
12. (Proposed) Order;
13. Declaration of David A. Prange, and the Exhibits attached thereto (some Exhibits filed under seal);
14. Declaration of Jason L. Hill, and the Exhibit attached thereto (Exhibit filed under seal);
15. Declaration of Randy H. Katz and the exhibits attached thereto and
16. Declaration of Philip A. Levis and the exhibits attached thereto (Exhibits filed under seal).

be served upon the below listed counsel via Federal Express:

Antony L. Sanacory, Esquire
Duane Morris LLP
Atlantic Center Plaza
1180 West Peachtree Street NW, Suite 700
Atlanta, GA 30309-3448

Kelly D. Eckel, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

Joseph A. Powers, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196

Lawrence H. Pockers, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

Matthew M. Ryan, Esquire
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

I further certify that on the 17th day of April, 2009, I caused to be served upon the within named counsel, by via email as follows:

Antony L. Sanacory, alsanacory@duanemorris.com
Joseph A. Powers, japowers@duanemorris.com
Kelly D. Eckel, kdeckel@duanemorris.com
Lawrence H. Pockers, lhpoickers@duanemorris.com
Matthew M. Ryan, mmryan@duanemorris.com

where the following documents were sent via email:

1. Defendants' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment of Noninfringement;
2. Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment of Noninfringement;
3. Defendants' Statement of Undisputed Facts In Support of Motion for Summary Judgment of Invalidity;
4. Defendants' Memorandum in Support of Its Motion for Summary Judgment on Invalidity;
5. Defendants' Statement of Undisputed Facts in Support of Motion for Summary Judgment Relating to Advanced Sensor Technology, Inc.'s Trade Secret Claims; and
6. Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment to Dismiss Advanced Sensor Technology, Inc.'s Trade Secret Claims.

s/ David J. Wolfsohn
David J. Wolfsohn